



each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

**I.**

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

**JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent Bring Back Our Future was a continuing committee registered with the Missouri Ethics Commission from May 27, 2014, through August 20, 2015.

3. Respondent Donze was the treasurer for Respondent Bring Back Our Future.

4. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

**COUNT I**

*Failure to maintain official fund depository*

6. On May 27, 2014, Respondents identified account number ending 7768 at U.S. Bank as Respondents' official depository account.

7. On January 2, 2015, U.S. Bank forced that account closed.

8. After January 2, 2015, Respondents did not have an official depository account within the State of Missouri in the committee's name.

9. Within twenty (20) days of January 2, 2015, Respondents did not file an amended statement of committee organization or a committee termination statement with the Missouri Ethics Commission reporting that the account had been closed.

10. Respondents did not file a statement of committee termination until August 20, 2015, which was more than seven (7) months after the account was closed.

**COUNT II**  
*Unauthorized use*

11. Between May 23, 2014, and July 3, 2014, Respondents made three cash expenditures totaling \$1,591.28 from the committee's official depository account. Respondents provided no documentation substantiating the purpose of these expenditures.

12. On May 29, 2014, Respondent Donze made a purchase of \$29.30 from Gamestop using the committee's official depository account. Respondents did not report this expenditure on campaign finance reports, and Respondents provided no documentation substantiating the purpose of this expenditure.

13. On June 2, 2014, Respondent Donze made a purchase of \$10 from Key Drugs using the committee's official depository account. Respondents did not report this expenditure on campaign finance reports, and Respondents provided no documentation substantiating the purpose of this expenditure.

### COUNT III

#### *Cash contributions and expenditures in excess of limits*

14. Respondents deposited three (3) cash contributions into Respondents' official depository account, each in excess of \$100, and totaling \$1,825:

- a. \$225 on May 16, 2014,
- b. \$900 on May 19, 2014, and
- c. \$700 on May 20, 2014.

15. Respondents provided no committee documentation substantiating the sources of these cash contributions.

16. Respondents made five (5) cash expenditures from Respondents' official depository account, each in excess of \$50, and totaling \$1,591.28:

- a. \$100 check made payable to "cash" on May 23, 2014,
- b. \$100 ATM withdrawal from U.S. Bank in Poplar Bluff, Missouri, on May 29, 2014,
- c. \$150 ATM withdrawal from U.S. Bank in Poplar Bluff, Missouri, on June 5, 2014,
- d. \$500 ATM withdrawal from U.S. Bank in Poplar Bluff, Missouri, on July 3, 2014, and
- e. \$741.28 counter withdrawal in cash from U.S. Bank on July 3, 2014.

17. Respondents' cash expenditures of \$1,591.28 in calendar year 2014 exceeded ten percent (10%) of all expenditures made by Respondents in calendar year 2014.

18. Respondents provided no committee documentation, such as bills, invoices, or receipts, showing the recipient or purpose of these cash expenditures.

**COUNT IV**  
*Incorrect money on hand*

19. Respondents incorrectly reported the beginning money on hand on Respondents' October 2014 Quarterly disclosure report and Termination report.

20. Respondents incorrectly reported the ending money on hand on Respondents' July 2014 and October 2014 Quarterly disclosure reports.

21. For the July 2014 quarterly report, Respondents reported ending money on hand of \$1,330.28 when Respondents' actual money on hand at the end of that reporting period was \$97. For the July 2014 quarterly reporting period, Respondents reported \$1,721.40 in monetary contributions when Respondents actually received \$2,125 in monetary contributions, and Respondents reported \$391.12 in monetary expenditures when Respondents actually made \$2,028 in monetary expenditures.

22. For the October 2014 quarterly report, Respondents reported beginning money on hand of \$1,330.28, but Respondents' actual money on hand at the beginning of that reporting period was \$97.

23. For the October 2014 quarterly report, Respondents reported ending money on hand of zero dollars (\$0), but Respondents' actual money on hand at the end of that reporting period was \$4.17. For the October 2014 quarterly reporting period, Respondents reported \$1,330.28 in monetary expenditures when Respondents actually made \$92.38 in monetary expenditures.

24. For the Termination report, Respondents reported beginning money on hand of zero dollars (\$0), but Respondents' actual money on hand at the end of that reporting period was \$4.17.

**COUNT V**  
*Late reports*

25. Respondents failed to timely file the following three (3) campaign finance disclosure reports or statements of limited activity:

<b>Report</b>	<b>Due Date</b>	<b>Date Filed</b>	<b>Days Late</b>
October 2014 quarterly	October 15, 2014	August 20, 2015	309
April 2015 limited activity	April 15, 2015	August 20, 2015	127
July 2015 limited activity	July 15, 2015	August 20, 2015	36

**COUNT VI**  
*Failure to timely and accurately report contributions received*

26. Respondents deposited \$1,925 in cash, including the three (3) cash deposits that were over \$100 each alleged in paragraph 14 above, into an official depository account.

27. Of the \$1,925 in cash deposited, Respondents reported sources of \$1,721.40 as "anonymous."

28. Respondents did not report the remaining \$203.60 of the \$1,925 in cash deposited that was not reported as "anonymous."

29. Respondents did not file a fund-raising report.

30. Respondents failed to report two (2) contributions of \$100 each.

31. Respondents did not report a miscellaneous contribution of \$34.83 when U.S. Bank deposited overdrawn amounts into Respondents' account when the bank forced the account closed.

**COUNT VII**  
*Failure to timely and accurately report expenditures and contributions made*

32. Respondents failed to timely and accurately report the following three (3) expenditures over \$100 each, totaling \$1,391.28:

<b>Description</b>	<b>Date</b>	<b>Amount</b>
ATM Withdrawal	June 5, 2014	\$150.00
ATM Withdrawal	July 3, 2014	\$500.00

Description	Date	Amount
Counter Withdrawal	July 3, 2014	\$741.28
	<b>TOTAL</b>	<b>\$1,391.28</b>

33. Respondents failed to timely and accurately report fifteen (15) expenditures of \$100 or less each by category, totaling \$380.28.

34. Respondents reported non-itemized expenditures by category totaling \$408.83 and one \$650 expenditure for the purpose of "Web development and domain name" but these expenditures were not made by check or other negotiable instrument from Respondents' official depository account, and Respondents maintained no committee records to substantiate that any cash expenditures were used for these purposes.

#### COUNT VIII

##### *Failure to maintain committee records*

35. Respondents opened an official depository account in May 2014, less than three (3) years prior to the start of the Ethics Commission's investigation.

36. The Ethics Commission, as part of a review of Respondents' reports and statements for completeness, accuracy, and timeliness, requested that Respondents file missing reports and provide committee records starting in May 2015.

37. In August 2015, Respondents filed incomplete reports and a statement of committee termination but never provided the requested bank records.

38. The Ethics Commission initiated an audit and investigation and issued a subpoena to Respondents for committee records in October 2015.

39. Respondents failed to file any reports or provide any records in response to the Ethics Commission's subpoena, including records relating to \$1,591.28 in cash expenditures,

\$1,925 in cash contributions, and \$1,721.40 in contributions reported as coming from "anonymous" sources.

## JOINT PROPOSED CONCLUSIONS OF LAW

### Count I

#### *Failure to maintain official depository account*

40. "Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name." § 130.021.4(1), RSMo.

41. This account must be disclosed on the committee's statement of committee organization, § 130.021.5(6), RSMo.

42. If the information on the statement of committee organization changes, the change must be reported on an amended statement of committee organization within twenty (20) days of the change. § 130.021.7, RSMo.

43. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.021.7, RSMo, by failing to maintain an official depository account between January 2, 2015, and August 20, 2015, by failing to timely amend Respondents' statement of committee organization after the account was closed, and that Respondents did so knowingly.

### COUNT II

#### *Unauthorized use*

44. "Contributions ... received by any committee shall not be converted to any personal use." § 130.034.1, RSMo.

45. "Contributions may be used for any purpose allowed by law," § 130.034.2, RSMo, but the committee and its treasurer must "maintain accurate records and accounts on a current

basis," and the "records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report." §130.036.1, RSMo.

46. There is probable cause to believe that Respondents violated Section 130.034, RSMo, by making expenditures that were not authorized by law with no records to substantiate the purpose of the expenditure, and that Respondents did so knowingly.

### COUNT III

#### *Cash contributions and expenditures in excess of limits*

47. "No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee." § 130.031.1, RSMo.

48. "No contribution in cash in an amount in excess of one hundred dollars shall be made or accepted from any single contributor for any election." §130.110(1), RSMo.

49. "Except for expenditures from a petty cash fund ... each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate." § 130.031.2, RSMo.

50. "A single expenditure from a petty cash fund shall not exceed fifty dollars." § 130.031.2, RSMo.

51. The aggregate of "all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year." § 130.031.2, RSMo.

52. Cash is "currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor." § 130.011(4), RSMo.

53. "A check made payable to 'cash' shall not be made except to replenish a petty cash fund." § 130.031.2, RSMo.

54. There is probable cause to believe that Respondents violated Sections 130.031.1, 130.110(1), and 130.031.2, RSMo, by accepting three (3) cash contributions in excess of \$100 each, totaling \$1,825, and by making five (5) cash expenditures in excess of \$50 each, totaling \$1,591.28, and by making cash expenditures in excess of ten percent (10%) of all expenditures during calendar year 2014, and that Respondents did so knowingly.

#### **COUNT IV**

##### *Incorrect money on hand*

55. Committees must report on campaign finance disclosure reports the amount of money, including cash on hand at the beginning of each reporting period and the end of each reporting period. § 130.041.1(2)-(5), RSMo.

56. There is probable cause to believe that Respondents violated Section 130.041.1, RSMo, by failing to accurately report money on hand on the July 2014 Quarterly report, October 2014 Quarterly report, and Termination report, and that Respondents did so knowingly.

#### **COUNT V**

##### *Late reports*

57. Committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

58. "The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046," § 130.041.1, RSMo.

59. "The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods: ... (3) Not later than the fifteenth day following the close of each calendar quarter. § 130.046.1, RSMo.

60. "The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September." § 130.046.3, RSMo.

61. There is probable cause to believe that Respondents violated Section 130.046.1-3, RSMo, by failing to timely file three (3) campaign finance disclosure reports and statements, and that Respondents did so knowingly.

#### COUNT VI

##### *Failure to timely and accurately report contributions received*

62. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

63. "The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046." § 130.041.1, RSMo.

64. Each report must include all receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor.

...

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money

or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

§ 130.041.1(3), RSMo.

65. For candidate committees, aggregate amounts for contributors must be calculated by adding "all contributions received from any one person" from the date the candidate became a candidate to the date of the election. § 130.041.2(1), RSMo.

66. "No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any ... committee." §130.031.4, RSMo.

67. "If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state." § 130.031.4, RSMo.

68. "The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year." § 130.031.5, RSMo.

69. "If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately

transmit the anonymous contribution to the state treasurer to escheat to the state." § 130.031.5, RSMo.

70. Contributions are not deemed anonymous if they are received at a fund-raising activity or event, as defined at Section 130.011, RSMo, and if the committee files a fund-raising activity statement. § 130.031.6, RSMo.

71. There is probable cause to believe that Respondents violated Sections 130.041.1(3), 130.041.2(1), 130.031.4, and 130.031.5, RSMo, by reporting \$1,721.40 in contributions as coming from "anonymous" without filing a fund-raising activity report, by failing to report \$203.60 in contributions that were over \$100 each, by failing to report \$200 in contributions that were \$100 each, by and failing to report miscellaneous receipts, and that Respondents did so knowingly.

#### COUNT VII

##### *Failure to timely and accurately report expenditures and contributions made*

72. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

73. "The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046." § 130.041.1, RSMo.

74. Each report must include all expenditures for the period, including:

- (a) The total dollar amount of expenditures made by check drawn on the committee's depository;
- (b) The total dollar amount of expenditures made in cash;
- (c) The total dollar value of all in-kind expenditures made;
- (d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or

incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category.

§ 130.041.1(4), RSMo.

75. Each report must include "A separate listing by full name and address of any committee ... for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution."

§ 130.041.1(8), RSMo.

76. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to timely and accurately report fifteen (15) expenditures of \$100 or less each, totaling \$380.28, by failing to timely and accurately report \$1,391.28 in expenditures that were over \$100 each, and by inaccurately reporting expenditures that were not made from Respondents' official depository account, and that Respondents did so knowingly.

### **COUNT VIII**

#### *Failure to maintain committee records*

77. "The ... treasurer ... of a committee shall maintain accurate records and accounts on a current basis." §130.036.1

78. "The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter." § 130.036.1, RSMo.

79. "Notwithstanding the provisions of section 130.041 that only contributors of more than one hundred dollars shall be reported by name and address for all committees, the committee's

records shall contain a listing of each contribution received by the committee, including those accepted and those which are rejected and either returned to the donor or transmitted to the state treasurer." § 130.036.3, RSMo.

80. "Each contribution, regardless of the amount, shall be recorded by date received, name and address of the contributor and the amount of the contribution, except that any contributions from unidentifiable persons which are received through fund-raising activities and events as permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts of all such contributions received together with information contained in statements required by subsection 6 of section 130.031." § 130.036.3, RSMo.

81. "The procedure for recording contributions shall be of a type which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing total of all contributions received from any one contributor." § 130.036.3, RSMo.

82. The committee's records "shall include a listing of each expenditure made and each contract, promise or agreement to make an expenditure, showing the date and amount of each transaction, the name and address of the person to whom the expenditure was made or promised, and the purpose of each expenditure made or promised." § 130.036.4, RSMo.

83. "All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain" and "shall be available for inspection" by the Missouri Ethics Commission. § 130.036.8, RSMo.

84. There is probable cause to believe that Respondents violated Section 130.036, RSMo, by failing to maintain committee records for at least three years in accordance with accepted normal bookkeeping procedures, including bills, receipts, invoices, and contributor information, and that Respondents did so knowingly.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$11,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,100 of that fee within sixty (60) days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. It is further ordered that Respondent Donze must file all necessary reports and amendments with the Commission at the time of execution of the consent order.

d. Regardless of the stay in paragraph 2.b above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that any Respondent has committed such a violation.

e. Respondents Donze and Bring Back Our Future shall be jointly and severally liable for all fees imposed under this order.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT LANCE DONZE

By: [Signature] 12-5-16  
Lance Donze Date

RESPONDENT BRING BACK OUR FUTURE

By: [Signature] 12-5-16  
Bring Back our Future Date  
Lance Donze, Treasurer

PETITIONER MISSOURI ETHICS COMMISSION

By: [Signature] 12/2/16  
James Klahr Date  
Executive Director

By: [Signature] 12/8/16  
Elizabeth L Ziegler Date  
Attorney for Petitioner



3. It is further ordered that Respondent Donze must file all necessary reports and amendments with the Commission at the time of execution of the consent order.
4. Regardless of the stay in paragraph 2 above, if Respondents commit any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
5. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 04<sup>th</sup> day of December, 2016

By:



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Nancy Hagan, Chair  
Missouri Ethics Commission